

Appl. No.: 09/956,998
Amdt. dated September 24, 2004
Reply to Communication of August 25, 2004

REMARKS/ARGUMENTS

The incorrect status identifier was inadvertently placed in claim 7 in the reply filed May 27, 2004. The omission is corrected in the currently submitted claims. Further, the Remarks section inadvertently omitted a reference to the claim 7 as being amended.

Therefore, claims 1, 4, 7, and 10 have been amended. Support for these amendments can be found throughout the specification and in the original claims, as described below.

Specifically, the term "corresponding" has been amended "complementary." Support for these amendments can be found in the specification on page 6, line 13. Additional support for the amendment to claim 1 (reciting a portion of a target sequence) can be found in the specification on page 6, lines 6-7. Therefore, no new matter has been added by way of claim amendment. Entry of these amendments to the claims of the above-referenced application is respectfully requested. Reexamination and reconsideration of the claims is respectfully requested in view of the following remarks. The Examiner's comments in the Office Action are addressed below in the order set forth therein.

Claims 1-12 are now pending in the application.

The Examiner's comments in the Office Action were addressed in the reply filed on May 27, 2004 and comprise the following:

The Rejection of the Claims Under the Judicially Created Doctrine of Obviousness-Type Double Patenting Should Be Withdrawn

Claims 1-12 are rejected under the judicially created doctrine of obviousness-type double patenting. This rejection is respectfully traversed by the filing of a terminal disclaimer attached with the prior submitted amendment.

The Rejection of the Claims Under 35 U.S.C. §102(b) Should Be Withdrawn

Claim 1 is rejected under 35 U.S.C. §102(b) in view of Hirashima *et al.* This rejection is respectfully traversed.

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Claim 1 has been amended to clarify that the flanking sequence has at least a portion or portions of a target gene. Thus, the operative flanking sequence cannot be endogenous to the mRNA encoding the protein of interest as in Hirashimi *et al.* Support for this amendment resides in the specification on page 6, lines 6-7.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Claims 1-12 are now pending in the application. Reexamination and reconsideration of the claims is respectfully requested.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



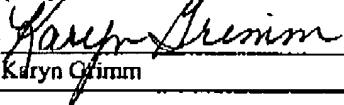
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CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the US Patent and Trademark Office at Fax No. (703) 872-9306 on the date shown below.



Karyn Orlin

September 24, 2004

Date